

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SPECTRUM DYNAMICS MEDICAL
LIMITED,

Plaintiff,

v.

GENERAL ELECTRIC COMPANY, GE
HEALTHCARE, INC., GE MEDICAL
SYSTEMS ISRAEL LTD., JEAN-PAUL
BOUHNİK, SERGIO STEINFELD, ARIE
ESCHO, NATHAN HERMONY, and YARON
HEFETZ,

Defendants.

Case No.: 18-cv-11386 (VSB)

**DECLARATION OF P. BRANKO
PEJIC IN SUPPORT OF
PLAINTIFF'S REPLY IN SUPPORT
OF PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION**

P. Branko Pejic, an attorney admitted pro hac vice in the Southern District of New York for purposes of this litigation, hereby declares the following under penalty of perjury:

1. I am a member of the bars of the District of Columbia and Arkansas. I was admitted pro hac vice before the Southern District of New York on December 20, 2018 [D.I. 8]. I am a lawyer at the law firm of Greenblum & Bernstein, P.L.C, attorneys for Plaintiff Spectrum Dynamics Medical Limited ("Plaintiff") in the above-captioned action. I submit this declaration in support of Plaintiff's Reply In Support Of Plaintiff's Motion For Preliminary Injunction ("Spectrum Reply Brief").

2. The purpose of this declaration is to provide the Court with new documents supporting the Spectrum Reply Brief.

3. A true and correct copy of an Email dated September 7, 2021 re [REDACTED] [REDACTED] pptx" that was bates-stamped as SDML_01606961-69 and marked as Phillips Deposition Exhibit 224 is attached hereto as **Exhibit 224**. The document is designated as "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" and is being filed under seal.

4. A true and correct copy of an Email dated June 11, 2010 from Sharon Alon re

[REDACTED]

[REDACTED] that was bates-stamped as SDML_00243471-78 and marked as Jansen Deposition Exhibit 396 is attached hereto as **Exhibit 396**. The document is designated as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” and is being filed under seal.

5. A true and correct copy of a document titled [REDACTED] [REDACTED] that was bates-stamped as GE_SDM_00014509-36 and marked as Jansen Deposition Exhibit 402 is attached hereto as **Exhibit 402**. The document is designated as “CONFIDENTIAL” and is being filed under seal.

6. A true and correct copy of an article titled “The First Mover Advantage” by Casey Roberts dated January 30, 2020 (<https://thejointsolution.com/firstmover/>), downloaded November 28, 2021, that was bates-stamped as SDML_01607169-74 is attached hereto as **Exhibit 413**.

7. A true and correct copy of a publication, Robinson et al., First-Mover Advantages from Pioneering New Markets: A Survey of Empirical Evidence, *Review of Industrial Organization* 9: 1-23, 1994, that was bates-stamped as SDML_01607010-32 is attached hereto as **Exhibit 414**.

8. A true and correct copy of a document, Breakthrough Products – Definition, Challenges and Practical Example (<https://corporatefinanceinstitute.com/resources/knowledge/other/breakthrough-products/>), downloaded November 28, 2021, that was bates-stamped as SDML_01607163-68 is attached hereto as **Exhibit 415**.

9. A true and correct copy of a document, Domelre First Electric Refrigerator (<https://www.ashrae.org/about/mission-and-vision/ashrae-industry-history/domelre-first-electric-refrigerator>), downloaded November 28, 2021, that was bates-stamped as SDML_01607175-79 is attached hereto as **Exhibit 416**.

10. A true and correct copy of a document titled March 2021 510(K) Clearances (<https://www.fda.gov/medical-devices/510k-clearances/march-2021-510k-clearances>), downloaded November 28, 2021, that was bates-stamped as SDML_01607124-62 is attached hereto as **Exhibit 417**.

11. A true and correct copy of the [REDACTED] [REDACTED] that was bates-stamped as SDML_00031936-45 is attached hereto as **Exhibit 418**. The document is designated as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” and is being filed under seal.

12. A true and correct copy of the [REDACTED] [REDACTED] [REDACTED] that was bates-stamped as SDML_01606958-60 is attached hereto as **Exhibit 419**. The document is designated as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” and is being filed under seal.

13. A true and correct copy of a document regarding the [REDACTED] [REDACTED] that was bates-stamped as SDML_00482161-64 is attached hereto as **Exhibit 420**. The document is designated as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” and is being filed under seal.

14. A true and correct copy of a document regarding the [REDACTED] [REDACTED] that was bates-stamped as SDML_00126733-36 is attached hereto as **Exhibit 421**. The document is designated as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” and is being filed under seal.

15. A true and correct copy of a document regarding the [REDACTED] [REDACTED] that was bates-stamped as SDML_01606688-89 is attached hereto as **Exhibit 422**. The document is designated as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” and is being filed under seal.

16. A true and correct copy of the [REDACTED]

[REDACTED]
[REDACTED] that was bates-stamped as SDML_01280934-93 is attached hereto as **Exhibit 423**. The document is designated as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” and is being filed under seal.

17. A true and correct copy of the [REDACTED]

[REDACTED]
[REDACTED] that was bates-stamped as SDML_01280916-33 is attached hereto as **Exhibit 424**. The document is designated as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” and is being filed under seal.

18. A true and correct copy of the [REDACTED]

[REDACTED] that was bates-stamped as SDML_01280998-1014 is attached hereto as **Exhibit 425**. The document is designated as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” and is being filed under seal.

19. A true and correct copy of the Transcript of Deposition of Jean-Paul Bouhnik (November 11, 2021) is attached hereto as **Exhibit 426**. The document is designated as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” and is being filed under seal.

20. A true and correct copy of the Transcript of Deposition of Jonathan D. Putnam, Ph.D. (November 18, 2021) is attached hereto as **Exhibit 427**. The document is designated as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” and is being filed under seal.

21. A true and correct copy of the Transcript of Deposition of Floribertus H. Jansen (November 19, 2021) is attached hereto as **Exhibit 428**. The document is designated as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” and is being filed under seal.

22. A true and correct copy of the Transcript of Deposition of Riyadh Mahameed

(November 23, 2021) is attached hereto as **Exhibit 429**. The document is designated as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” and is being filed under seal.

23. A true and correct copy of the Transcript of Deposition of Todd Peterson, Ph.D. (November 30, 2021) is attached hereto as **Exhibit 430**. The document is designated as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” and is being filed under seal.

24. A true and correct copy of the Declaration of Jim Haisler dated April 28, 2019 is attached hereto as **Exhibit 431**.

25. A true and correct copy of the [REDACTED]
[REDACTED]
[REDACTED] that was bates-stamped as SDML_01606944-50 is attached hereto as **Exhibit 432**. The document is designated as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” and is being filed under seal.

26. A true and correct copy of the [REDACTED]
[REDACTED] that was bates-stamped as SDML_01607008-09 is attached hereto as **Exhibit 433**. The document is designated as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” and is being filed under seal.

27. A true and correct copy of the [REDACTED]
[REDACTED]
[REDACTED] that was bates-stamped as SDML_01606951-57 is attached hereto as **Exhibit 434**. The document is designated as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” and is being filed under seal.

28. A true and correct copy of the [REDACTED]
[REDACTED] that was bates-stamped as SDML_00020411-52 is attached hereto as **Exhibit 435**. The document is designated as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” and is being filed under seal.

29. A true and correct copy of a document titled “Advertisement – Clinical versatility with NM/CT 870 CZT” (<https://www.auntminnieeurope.com/index.aspx?sec=eba&sub=eml&pag=dis&itemid=618971>), downloaded December 6, 2021, that was bates-stamped as SDML_01607180-82 is attached hereto as **Exhibit 436**.

30. A true and correct copy of a document titled “BNMS Exhibitor page – British Nuclear Medicine Society” (<https://www.bnms.org.uk/mpage/GEHealthcareExhibitorpage>), downloaded December 6, 2021, that was bates-stamped as SDML_01607183-84 is attached hereto as **Exhibit 437**.

31. A true and correct copy of a document titled “Hybrid Imaging In Conventional Nuclear Medicine – A Technologist’s Guide” (https://www.eanm.org/content-eanm/uploads/2020/10/EANM20_TechGuide_digital.pdf), downloaded December 6, 2021, that was bates-stamped as SDML_01607033-123 is attached hereto as **Exhibit 438**.

32. A true and correct copy of a document titled “GE Healthcare Advances Precision Health & Theranostics With New Products & Solutions at #SNMMI21 – GE News” (<https://www.ge.com/news/press-releases/ge-healthcare-advances-precision-health-theranostics-with-new-products-solutions-at>), downloaded December 6, 2021, that was bates-stamped as SDML_01607185-92 is attached hereto as **Exhibit 439**.

33. A true and correct copy of a spreadsheet titled “Stargate ICV” that was bates-stamped as GE_SDM_00194747 is attached hereto as **Exhibit 440**. The document is designated as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” and is being filed under seal.

34. A true and correct copy of the [REDACTED] that was bates-stamped as SDML_01282982-84 is attached hereto as **Exhibit 441**. The document is designated as

“HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” and is being filed under seal.

Dated: Reston, Virginia
December 7, 2021

By: /s/ P. Branko Pejic
P. Branko Pejic

GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191

{J734906 05080545.DOCX}